



Terry Tamminen  
Secretary for  
Environmental  
Protection

# California Regional Water Quality Control Board

## Los Angeles Region

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Ms. Mary Bergen  
11584 Creek Road  
Ojai, CA 93023

### **WATER QUALITY CERTIFICATION FOR PROPOSED RANCHO DOS RIOS SAN ANTONIO CREEK BRIDGE REPAIR PROJECT (Corps' Project No. 2003-01637-JWM), SAN ANTONIO CREEK, CITY OF OJAI, VENTURA COUNTY (File No. 04-082)**

Dear Ms. Bergen:

Regional Board staff has reviewed your request for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on October 6, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Valerie Carrillo, Lead, Section 401 Program, at (213) 576-6759.

\_\_\_\_\_  
[Original Signed by]  
Jonathan Bishop  
Executive Office

\_\_\_\_\_  
October 27, 2004  
Date

### **California Environmental Protection Agency**

\*\*\*The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption\*\*\*  
\*\*\*For a list of simple ways to reduce demand and cut your energy costs, see the tips at: <http://www.swrcb.ca.gov/news/echallenge.html>\*\*\*



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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2493 Portola Road, Suite B  
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## ATTACHMENT A

### Project Information File No. 04-082

1. Applicant: Mary Bergen  
11584 Creek Road  
Ojai, CA 93023  
  
Phone: (805) 649-5207      Fax: (805) 649-2367
2. Applicant's Agent: None
3. Project Name: Rancho Dos Rios San Antonio Creek Bridge Repair
4. Project Location: City of Ojai, Ventura County  
  
Longitude: 119° 15.93'W; Latitude: 34° 25.08'N
5. Type of Project: Bridge Repair
6. Project Description: *Purpose:*  
The goal of the project is to stabilize the footings and prevent the collapse of a private bridge across San Antonio Creek. The bridge serves 10 residential homes and four businesses.  
  
*Description:*  
The footings will be stabilized by encasing them in reinforced concrete tied into the existing footings with dowels. For the roadside pier, the concrete will encase the ends and creek side of the footing, extending approximately six feet below the bottom of the footing. For the center pier, the concrete will encase the entire footing, extending approximately nine feet below the bottom of the footing.
7. Federal Agency/Permit: U.S. Army Corps of Engineers  
NWP Nos. 14 & 33 (Permit No. 2003-01637-JWM)

## **ATTACHMENT A**

### **Project Information File No. 04-082**

8. Other Required Regulatory Approvals: California Department of Fish and Game  
Streambed Alteration Agreement  
No. 1600-2004-0174-R5  
  
Ventura County Flood Control District  
Watercourse Encroachment
- California Environmental Quality Act (CEQA) Compliance: The proposed project is Categorically Exempt from CEQA pursuant to the CEQA Guidelines, Section 15302 (Replacement or Reconstruction).
10. Receiving Water: San Antonio Creek (Hydrologic Unit No. 402.20)
11. Designated Beneficial Uses: MUN\*, IND, PROC, AGR, GWR, REC-1, REC-2, WARM, COLD, WILD, MIGR, SHELL, WET  
  
\*Conditional beneficial use
12. Impacted Waters of the United States: Non-wetland waters (vegetated streambed):: 0.16 temporary and 0.0075 permanent acres
13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant: The California Conservation Corps with funding from the Department of Fish and Game will be performing a streambed restoration project in the Fall of 2004 at the conjunction of San Antonio and Lion Creeks, approximately 0.25 miles upstream. The project includes removal of concrete debris, bank stabilization and riparian fencing. This project should have no significant adverse environmental impacts.

## ATTACHMENT A

### Project Information File No. 04-082

15. Avoidance/  
Minimization  
Activities:

The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:

- To avoid silting or other water quality impacts, the stream will be diverted into adjacent water channels during construction.
- To mitigate impacts to the red legged frog and/or steelhead, an approved biological monitor will be hired to survey the site prior to the start of construction. Any frogs or steelhead will be relocated. If frogs or steelheads are seen, construction will be halted until they can be relocated.

16. Proposed  
Compensatory  
Mitigation:

The Applicant has proposed to provide funding to the Ojai Land Conservancy in order to offset impacts associated with the proposed project. Mitigation will be provided at ratios of 2:1 and 0.5:1 for permanent and temporary impacts, respectively. The total mitigation shall be 0.095 acres. The Applicant provided funding to the Ojai Land Conservancy on October 6, 2004, in the amount of \$7125.00 for mitigation efforts such as restoration, enhancement, or preservation within the Ventura River Watershed.

*See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.*

## ATTACHMENT B

### Conditions of Certification File No. 04-082

#### STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

#### ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

## ATTACHMENT B

### Conditions of Certification

File No. **04-082**

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any activities are to be held within **five (5) days** of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
9. The Applicant shall utilize the services of a qualified biologist in order to survey the site prior to construction. Surveys for red legged frog and steelhead shall be performed. Any species found during the surveys shall be relocated prior to construction. Also, if any red-legged frogs or steelhead are identified, construction will be halted until they can be relocated.
10. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of

## ATTACHMENT B

### Conditions of Certification File No. 04-082

Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

11. All activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
12. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
13. The Applicant shall restore all areas of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
14. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.16 acres** waters of the United States by creating or restoring riparian habitat at a minimum 0.5:1 area replacement ratio (0.08 acres). The Applicant shall also provide compensatory mitigation for the proposed permanent impacts to **0.0075 acres** of vegetation within waters of the United States by creating or restoring riparian habitat at a minimum 2:1 area replacement ratio (0.015 acres). As an alternative, the Applicant may provide funding to the Ojai Valley Land Conservancy for the creation or restoration of a total of 0.095 acres of riparian habitat within waters of the United States. The mitigation site shall be located within the Ventura River Watershed unless otherwise approved by this



## ATTACHMENT B

### Conditions of Certification File No. 04-082

Regional Board. The boundary of the mitigation site shall be clearly identified on a map of suitable quality and shall be defined by latitude and longitude. This information shall be submitted to this Regional Board for approval prior to any disturbance within waters of the United States and shall include copies of any agreements made between the Applicant and a third party organization regarding compensatory mitigation efforts.

15. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
16. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **January 1<sup>st</sup>** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
  - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
  - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
  - (c) The overall status of project including a detailed schedule of work;
  - (d) Copies of all permits revised as required in Additional Condition 1;
  - (e) Water quality monitoring results (as required) compiled in an easy to interpret format;
  - (f) A certified statement of “no net loss” of wetlands associated with this project;
  - (g) Discussion of any monitoring activities and exotic plant control efforts; and
  - (h) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met.
17. Prior to any subsequent maintenance activities within the project area, including clearing, maintenance by-hand, and/or the application of pesticides, the Applicant shall submit to this Regional Board a NOTIFICATION of any such activity. Notification shall include: (a) the proposed schedule; (b) a description of the existing condition/capacity; (c) the area of proposed temporary impact within waters of the state; (c) a description of any existing aquatic resources (e.g., wetland/riparian vegetation); and (d) any proposed compensatory

**Conditions of Certification**  
**File No. 04-082**

18. All applications, reports, or information submitted to the Regional Board shall be signed:
  - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates.
  - (b) For a partnership, by a general partner.
  - (c) For a sole proprietorship, by the proprietor.
  - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee.
19. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:

Executed on the \_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_.

\_\_\_\_\_  
\_\_\_\_\_  
(Signature)  
(Title)''

- 5 of 6

## ATTACHMENT B

### Conditions of Certification File No. 04-082

23. Coverage under this Certification may be transferred to the extent the underlying federal permit may legally be transferred and further provided that the Applicant notifies the Executive Officer at least 30 days before the proposed transfer date, and the notice includes a written agreement between the existing and new Applicants containing a specific date of coverage, responsibility for compliance with this Certification, and liability between them.
24. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
25. *Enforcement:*
  - (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
  - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
  - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
26. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.